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# NOR'BY EAST

## CASCO BAY ISLAND NEWS



Vol. 14 No. 4

April 1981



### FROM THE BANKRUPTCY CIRCUS TO A PROPOSED CASCO BAY TRANSIT DISTRICT

Stuart Laughlin, Pres. CBIDA

If you missed reading Alice In Wonderland, you should really make a trip to the Bankruptcy Court in Bangor where Casco Bay Lines' attorney, Richard Poulos, is engaging in extraordinary maneuvers. Judge Conrad Cyr presides over the court, although at times it is difficult to tell who or what is, in fact, in charge.

CBL's emergency rate increase was rejected last summer by the PUC (Public Utilities Commission) after no emergency was found and CBL's (mis)management was less than cooperative in providing information and records requested by the PUC. As one PUC Commissioner later said, "There are other factors going on that are not present in the normal rate case."

Last September just when PUC hearings were scheduled, CBL withdrew its own request for a permanent rate increase and fled for the relative safety of the Bankruptcy Court. Richard Poul-

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FROM THE EDITOR: Nor by East presents, rather breathlessly, No. 4, of Vol 14, replacing the winter newsletter. The Fall of 1980 issue reported on the CBIDA's activities in dealing with the CBL rate case, the Wonderland of Casco Bay Travel, and asked "What Next?" Members and friends

of CBIDA read everything carefully. We are not kidding. All this has been and is really happening. THIS is the NEXT. As usual we invite your opinions. A AND we urge your support in this latest effort of our Association to maintain and improve the unique quality of our island living.

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is, a former Bankruptcy Court Judge and attorney for CBL and CBL management moved the game into his own ballpark. CBL appears to be using the Bankruptcy Court to achieve unusual advantages at the expense of island people that cannot be gained through the PUC.

In its reorganization plan, CBL proposes dividing the company into an unregulated tour line and a regulated line for "service"(?) to Island ratepayers. All of the assets and boats are to be placed in the unregulated tour line, hidden from review by the PUC. The regulated line would contain no boats except by lease from Mr. Kontaratos. The effect of this arrangement would be to make it difficult or impossible for the PUC to do a fair job in determining rates and leave Island people subject to enormous rate increases. In fact, Mr. Poulos is asking for a 48.3% rate increase for 1981 which may be pushed through the Bankruptcy Court over the head of the PUC. Mr. Poulos expects to collect \$100,000 for his own services!

In the summer of 1980 - the same year that CBL went "Bankrupt", the boat line, backed by fine weather, had one of its best seasons ever. How do you achieve bankruptcy while having a fine business? Withdrawals from CBL assets, built up over several years by Mr. McLaughlin, depleted the treasury. Who knows where the money went? Mr. Kontaratos has not been clear on this. Interest on unpaid loans and enormous legal bills from Mr. Poulos increased the disaster. Mr. Poulos is now listing "Operating losses" for 1980 and blaming the PUC for this.

"-----professional fees incurred principally as a re-

sult of unreasonable and unnecessary litigation spawned or encouraged by the PUC," declares Poulos. He has also accused the PUC of "vengeance" against CBL.

Never in the history of CBL rate cases has the PUC been so savagely attacked for trying to do a fair job on behalf of the rate payers.

The Islands have been fortunate in having the services of Peter Murray - first in the rate cases and now in the Bankruptcy court where CBIDA has been granted "Limited Intervenor" status. Mr. Poulos has complained of "rich island people" hiring a lawyer like Murray. CBIDA has, in fact, been supported by all of the local Island organizations and now by many individual contributions as well. During 1980, CBIDA membership increased from 300 people to well over 400.

The City of Portland, by vote of the City Council last fall, took a surprising stand on behalf of its Island people by sending its Corporation Counsels, David Lourie and Karen Marchetti, to the Bankruptcy Court in Bangor. The City did not just sit and listen. Intervention by Lourie and Marchetti was so effective that an angry Mr. Poulos has now cited the City for "contempt" and as a punishment he wants the City Corporation Counsels thrown out of the Bankruptcy Court.

The PUC, represented by William Furber, also intervened in the Bankruptcy Court. The PUC contends that the boats, which are the chief assets of CBL, have been paid for by the ratepayers and as part of a public utility can not be disposed of by Mr. Kontaratos any way he feels like nor can he grab the boats and run into an unregulated tour line.



At the several sessions of the Bankruptcy Court in Bangor during the fall of 1980 and winter of 1981, ten or more Island people have been present at each session, Mr. Poulos does not like this either and at a recent session of the Court he referred to them as "Island Dissidents". This is an interesting remark since many of these people are elected leaders of their Island communities. Almost every Island has been represented at these Court sessions.

A critical factor in the "bankruptcy" of CBL now appears to be the \$100,000 fees that Mr. Poulos expects to collect for himself. The next Court session is scheduled for March 31, 1981. In a recent document received on March 12, 1981 Mr. Poulos now proposes leaving the car ferry REBEL and one other boat in the regulated boat line and giving only two boats to Mr. Kontaratos - one of which may be sold to pay his debts.

#### THE CASCO BAY PUBLIC TRANSIT DISTRICT

Faced with a long battle in the Bankruptcy Court and a possible outcome negative to Island ratepayers, Island people began discussion of an alternative plan of reorganization - a Public Transit District. Such a district would give Island people some control over their transportation situation and avoid unnecessary, enormous and continuous rate increases by a management more interested in tours. Capital would be raised by tax exempt bonds.

A special meeting of the Steering Committee of CBIDA was called on January 24, 1981. A Task Force was set up to work on this project with Peter Murray to do the legal work.

## LANGLOIS APPOINTED

When Casco Bay Lines filed for bankruptcy in June, the court appointed Peter McLaughlin as receiver as well as manager.

Peter McLaughlin died the last of November, leaving the void to be filled by the line's attorney Richard E. Poulos and by the owners,

the Kontaratoses, whom the bankruptcy court had denied participation in CBL affairs.

At that time Portland Corporation Council David Lourie registered a formal opinion that a trustee for CBL be appointed completely outside of CBL interests. In this position the creditors, the PUA, federal bankruptcy attorneys,

## MAINE TIMES MAINE TIMES MAINE TIMES

MAINE TIMES' issue of March 26, 1981 features a cover story on Casco Bay Lines. The article, "The Incredible Financial Dealings of Casco Bay Lines", is the result of hours of work by reporter Phyllis Austin who sifted through volumes of testimony to discover what really happened. Her story is very revealing and should be read by anyone who cares about the future of the Casco Bay Lines.

If you would like to receive this issue of MAINE TIMES, or know of anyone who might be interested in it, we will be happy to send copies. Just send your name and full address along with 50 cents for each issue to cover handling costs and postage to MAINE TIMES, 41 Main Street, Topsham, Maine 04086.

The concept of a Public Transit District is now off the ground and moving forward.

The first major step is receiving a charter from the Maine State Legislature. A bill has been filed and as of this writing Governor Joseph Brennan has backed it so that this issue will come before this session of the Legislature. No one can tell for certain how many weeks will pass before a decision is made by the Legislature. Island people will probably be attending future legislative hearings.

Even after a positive decision by the Legislature, there will be an enormous amount of work to do. Peter Murray will have to present our plan to Judge Cyr of the Bankruptcy Court in Bangor in competition with the

Poulos-Kontaratos-CBL plan and a possible plan of reorganization to be presented by Roger Hale to whom Kontaratos apparently owes money. If approved by the Bankruptcy Court, a takeover of CBL operations WITH BOATS will have to be worked out and tax free bonds for capital will have to be raised. The interests of Depositors Trust and Roger Hale in the Bankruptcy situation will have to be considered. In the meantime, funds must be raised to support the necessary legal work by Peter Murray. It will be a long, long, expensive road to travel into spring and summer.

This has been an attempt to summarize a very complicated situation that will affect Island transportation for years to come and to reach hundreds of Island summer people far away from the fast moving events that can change every week or

month..

(to page 4)

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and CBIDA continue to concur.

In spite of this, Bankruptcy Judge Conrad Cyr appointed Edward Langlois to serve as manager of the line under Attorney Poulos' direction.



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Louise Whittier  
Secretary

What can Island people - summer and winter - do to help?

1. If you are not already a member of CBIDA, join us today. There is no better time to join than now. Never before has more unity been needed between Islands. Yearly dues are only \$5. per person or \$7. per couple and this includes several copies a year of Nor By East. Memberships may be sent to CBIDA, Box 66, Peaks Island, Me. 04108 with your mailing address.

2. If you have reservations or questions, call or write your Island representative on the Task Force, Steering Committee, or any CBIDA officer. Keep in touch with your local Island organization and watch for meetings on this issue.

The Cliff Island Assoc. and Peaks Island have already backed this project.

3. Individual contributions in any amount you may choose may be sent to the CBIDA legal fund to insure that Peter Murray will continue to represent us at the Bankruptcy Court in Bangor. Contributions may also be made to the fund for the Public Transit District. Either contribution may be sent to Box 66, Peaks Island, Me 04108. Almost all Island organizations have made one or more contributions already to this effort, but more is needed as the necessary legal work is costly.

We have survived the winter without an interruption in boat service. As spring approaches, there is some hope of solving the Island transportation problem.

#### WHAT IS A FERRY DISTRICT AND WHAT IS REQUIRED TO ESTABLISH ONE?

A ferry district would operate as a quasi-municipal organization. What that means is that it is a public corporation run by elected Trustees. Peaks Island would elect three trustees, each other island would elect one trustee, and the remaining seats would be filled by two at-large trustees and one appointed by the Portland City Council and the Maine Department of Transportation. Money for the lines would be raised by issuing tax-exempt bonds. So long as the bonds were kept current, the Trustees would formulate policy and run the district. If the bonds were in default, the bondholders would have the right to vote as stockholders. The bonds would be secured by the assets of the Line - that means by a mortgage on the boats. To begin a ferry district, special legislation would have to be passed allowing the establishment of the district. Negotiations would have to occur between the present owners, the creditors of the Line, and the Public Utilities Commission (PUC). Elections would have to be held for the Trustees, and the bonds issued. So far, major creditors have indicated an interest in exploring the concept.



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Donna Gilbeau, Peaks Island 766-2600  
Bob Buttrick, Cliff Island (Alternate)

Paul Husted, Peaks Island 766-2942  
Robert Jordan, Long Island 766-3396  
Stuart Laughlin, Great Diamond 772-4103  
Philip Lee, Little Diamond 772-5739  
Johanna vonTiling, Cliff Island 766-2741  
Sister Nola, Little Diamond (Alternate)



## THE FINANCIAL STATE

### CBIDA LEGAL EXPENSES

(Peter Murray)

Rate case and Bankruptcy Court only.

April to June 1980	\$990.
July 1980	1490.
August 1980	395
Sept. 1980	78
Oct. to Nov. 1980	822
Dec. 1980	735
<b>TOTAL</b>	<b>\$4510.</b>

### CONTRIBUTIONS to the PUBLIC TRANSIT DISTRICT FUND Report

from Annie Romanyshyn  
Treasurer

(This includes some Cliff Island funds \$1430 as of March 13

Peter Murray for legal work for the Transit Expenses will be paid for from this fund.

This accounting is provided in order that our members may be as fully informed as possible as to what people are doing and what is going on.

STUART LAUGHLIN  
President, CBIDA

### CONTRIBUTIONS by Island Organizations and Individuals

Summer 1980 - March 1981

Cliff Is. Transportation Comm.	\$ 50.
Long Is. Civic Assoc.	100.
Inter-Island Assoc. (Long, Cliff)	100.
Little Diamond Is. Assoc.	120.
Great Diamond Is. Assoc.	100.
Fifth Maine Reg. Peaks Is. (postage)	50.
Cliff Is. Assoc.	200.
Peaks Is. (individuals)	250.
Cliff Is. (individuals) as of March 6	1090.
Chebeague Is. Council	100.
<b>TOTAL</b>	<b>\$2160.</b>

Nor by East is published by Casco Bay Island Development Association, Box 66, Peaks Island, ME; 04108, Editor, Jean Duer, Chebeague Island, ME. 04017, telephone 846-4188.



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### Letters to the Editor:

30 October 1980

Dear Editor:

The "Fall 1980" issue of our fine CBIDA newspaper was surely the most provocative publication that I have ever read.

But not because of what it printed. No. Rather because of what it did not print but suggested only dimly to those of CBIDA who are sensitive to these matters.

Let me put it straight out on the line as an honest forthright longtime member of CBIDA should. The annual meeting at Cliff Island on Aug. 24th was surely the most important in the whole history of our organization. For CBIDA took a strong swerve for the better by a vote of the membership present.

Before that meeting our organization's house was on sand; but there on Cliff Island it struggled through the sand to a good sound base to the beautiful

white granite flecked with quartz that graces our isles

here and there in their north-east alignment.

Succinctly, and perhaps to some cruelly, we declared then and there...necessary principles for our growth. No longer shall the membership of the most populous island dominate CBIDA. Instead, in the words of the "NOR-BE-EAST" editor, it shall be "the concept of many islands but one bay" that determines the direction of our organization.

Oh, I am so delighted to learn that from that issue we now have 428 members. No longer can we allow so many to be led around by so few. We have come of age - and I joy at that realization.

Concluding, this has been a good honest letter, written by an olding man who was once a seven year old boy summering on Great Diamond (in 1935) and on other islands later. And who loves them so very, very much.

But to some few it has been very cruel. For that I apologize most sincerely. But the organization and its goals are more important than those of any member.

PHILIP JENKINS



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## CBIDA STEERING COMMITTEE

Gretchen Hall

This past year has seen CBIDA accomplish three things it has been working for from the beginning. It has finally been able to turn the World War property, it kept out of the hands of the developers on one island, into an asset for all of Casco Bay.

The Portland islands are recognized as an integral part of the City, comparable to the place that Chebeague Island has always had in the town of Cumberland.

And both Casco Bay Lines and the Maine Public Utilities Commission have learned that the Casco Bay Island Development Association is a power that has to be reckoned with.

For six years now, Carl and I have been watching your Steering Committee at work, and have seen the strategy, varied skills, time and energy that have brought this about. Anywhere but on Casco Bay members of your Steering Committee could command really respectable salaries for what they do.

The Steering Committee needs an annual transfusion of new blood if CBIDA is to continue to accomplish what it is here for. Some have served on the Steering Committee since the organization of CBIDA. Others of us who have come in more recently don't expect to live forever either. We'd all like to see our replacements on the team learning the ropes and getting to be known and respected in City Hall and Augusta. In fact, the future of CBIDA depends on this happening.

Because we are a community of islands, effective steering committee members have to meet a peculiar set of requirements, more difficult on islands other than Peaks.

The first requirement is to hold a vision of what Casco Bay could become

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strongly enough to give those first Saturday meetings a very high priority. That obviously rules out anyone who spends ten months of the year outside the state.

The more people from each island that have the insights to be gained only by being present at a meeting or two of the Steering Committee, the better the purposes of CBIDA will be served. So if you can't make these first Saturdays regularly enough to serve on the Steering Committee, come when you can, and watch your Steering Committee in action. We can't guarantee to put on as good a show as the Portland City Council sometimes does, but - you never can tell!

Our meetings are always open to anyone with an interest in the Casco Bay islands, even if they live on the mainland.

WE NEED YOUR SUPPORT NOW MORE THAN EVER. PLEASE TAKE THE TIME TO SEND US A CHECK FOR ANY OF THE FOLLOWING CAUSES:

\_\_\_\_\_ CBIDA LEGAL FUND: FOR BANKRUPTCY PROCEEDINGS

\_\_\_\_\_ CBIDA FERRY FEASIBILITY FUND: FEASIBILITY STUDY AND ONGOING WORK FOR FORMATION OF THE TRANSPORTATION DISTRICT

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MEMBERSHIP APPLICATION

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# Islanders at Transit District Hearing

Efforts of the Task Force for legislation to allow formation of a Casco Bay Transit District culminated in a room full of islanders at the 9:30 hearing on March 28. Through an unexpected snowstorm more than thirty went by bus from Custom House Wharf, joined by several private cars converging on Augusta from Chebeague as well as the Portland islands.

Governor Joseph E. Brennan had introduced the bill as an emergency measure, recognizing the need for reliable Casco Bay transportation, currently threatened by the instability of Casco Bay Lines.

The Transportation Committee in charge of the hearing had received a resolution stating that the Portland City Council will support a plan to establish a Casco Bay Transit District before the bankruptcy court as the plan most likely to assure safe and efficient transportation to the islands at reasonable rates.

Rep. Edith Beaulieu introduced the well-organized presentation on the part of the islanders by saying that many residents of the Casco Bay islands have put in hundreds of man-hours in an attempt to assure that a reliable and affordable

transportation link to the mainland would allow them to remain in their island homes.

As chairman of the task force, Irene Murray reviewed the background of the bill. Gerry Garman presented figures indicating that under a transit district set-up Casco Bay Lines could be operated with reasonable profit along with affordable fares.

John Feeney spoke of his confidence in the future of the islands such that he is about to open a new store on Peaks.

Ellen Klain told of her experience of having to take the car ferry to Portland for her daughter Sarah's birth on an occasion when the captain had no key to the ramp.

Johanna von Tiling said that the proposal of present CBL management that two boats were sufficient to meet the needs of year-round islanders would leave Cliff Island more isolated from Portland than the hour's run makes necessary.

The transit district "plan offers the best hope for a permanent solution. We're not asking for money from the state or the city," was the way Attorney Peter Murray summed up the case

for the transit district. Letting a non-profit entity operate the line as a public utility would allow the district to sell tax-exempt bonds and purchase the line at more favorable rates.

Opposition to the transit district came only from Rep. H. Craig Higgins of Portland who questioned the ability of a transit district to put together a sound financial proposal for the take-over of Casco Bay Lines; and from Edward Langlois, manager of Casco Bay lines, who sketched a plan focussed on giving Casco Bay Lines the time it needs to straighten itself out, setting up a blind trust for the benefit of the owners, who would have nothing to do with running the line until it is straightened out.

A standing vote at the close of the hearing showed the islanders unanimous in support of the bill permitting a transit district. The bill has still to be presented to the sessions of the Maine legislature.

The next decision that will make a difference will be on the part of the bankruptcy court, choosing among plans of the creditors, the Casco Bay Lines proposal, and a transit district.